S.B.Cr. Misc. Bail Application No.4928/2007

(Kamlesh vs. State of Rajasthan)

Date of order : November 13, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.D.L.Motsra for Mr. S.D.Goswami, for the petitioner.
Mr.Ashok Upadhyaya, P.P. for the State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the police investigation diary.

On 22.10.2007, counsel for the petitioner submitted that the petitioner is prepared to return the entrusted amount of Rs.2500/- to the complainant, which undisputedly has not been returned. In this view of the matter, when there is a prima facie evidence of entrustment of Rs.2500/- and the question of recovery is involved, I do not find it a fit case to grant anticipatory bail to the petitioner, on the contrary, in such matters, a custodial interrogation is necessary.

The bail application filed by the petitioner under section 438 Cr.P.C. is, therefore, dismissed.

(H.R.PANWAR),J.

m.asif/-